

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3552 OF 2006

M/s.Ghadge Patil Transport
Company Pvt. Ltd. .. Petitioner.
Vs.
Ramchandra Dattatray Tulpule .. Respondent.

Mr.S.B.Deshmukh for the petitioner.
Mr.A.A.Kumbhakoni for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 9TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner and the respondent.

2. By this writ petition, the petitioner has impugned the following order :

. "Read application with Second Appeal. Heard, upon hearing, I am of opinion that such direction cannot be issued because, Plaintiff has filed evidence affidavit i.e. affidavit of examination-in-chief. Correction affidavit. Therefore, defendant to proceed with the cross examination. No orders to costs."

3. I perused the affidavit filed by the plaintiff's witness under Order 18 Rule 4 of the Code of Civil Procedure as also correction affidavit. By the correction affidavit some typographical errors are sought to be corrected. The petitioner-defendant has

raised the objection in filing of such affidavit stating that once the affidavit in examination-in-chief is filed, the witness cannot be allowed to correct the errors committed by him in the examination-in-chief. The submission is devoid of any merits. The examination-in-chief, in the present petition, is on affidavit as provided for under Order 18 Rule 4. The correction affidavit was filed before commencement of the cross examination. No prejudice whatsoever would be caused to the petitioner. By allowing to correct the typographical errors the court below has done substantial justice. The order does not suffer from any error. Moreover, it may be noticed that the objection was raised after about eight months of filing of both the affidavits in the trial Court. No interference is called for by this court in writ jurisdiction under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed. The hearing of trial is expedited.

(D.B.Bhosale, J.)